

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
JUSTO REYES,

Case No. 16-22556-rdd

Debtor.
-----X

Chapter 13

**RELIEF FROM STAY- REAL ESTATE AND
COOPERATIVE APARTMENTS**

I, Ami McKernan Second Assistant Vice President
<NAME AND TITLE> OF Specialized Loan Servicing LLC as servicer for Deutsche Bank National Trust Company, as Indenture Trustee, on behalf of the holders of the Terwin Mortgage Trust 2007-4HE Asset-Backed Securities, Series 2007-4HE (HEREINAFTER, "MOVANT") HEREBY DECLARE (OR CERTIFY, VERIFY, OR STATE.)

BACKGROUND INFORMATION

1. REAL PROPERTY OR COOPERATIVE APARTMENT ADDRESS WHICH IS THE SUBJECT OF THIS MOTION: 1521 Bryant Avenue, Bronx, NY 10460
2. LENDER NAME: Deutsche Bank National Trust Company, as Indenture Trustee, on behalf of the holders of the Terwin Mortgage Trust 2007-4HE Asset-Backed Securities, Series 2007-4HE
3. DATE OF MORTGAGE: January 5, 2007
4. POST-PETITION PAYMENT ADDRESS:
Specialized Loan Servicing LLC
PO Box 636007
Littleton, CO 80163

DEBT/VALUE REPRESENTATIONS

5. TOTAL PRE-PETITION AND POST-PETITION INDEBTEDNESS OF DEBTOR TO MOVANT AT THE TIME OF FILING THE MOTION: \$355,227.50 as of November 17, 2017

(Note: this amount may not be relied on as a "payoff" quotation.)

6. MOVANT'S ESTIMATED MARKET VALUE OF THE REAL PROPERTY OR COOPERATIVE APARTMENT: \$185,000.00

7. SOURCE OF ESTIMATED VALUATION: BPO dated June 17, 2017

STATUS OF DEBT AS OF THE PETITION DATE

8. TOTAL PRE-PETITION INDEBTEDNESS OF DEBTOR TO MOVANT AS OF PETITION FILING DATE: \$330,138.86 as of April 21, 2016

A. AMOUNT OF PRINCIPAL: \$230,877.65

B. AMOUNT OF INTEREST: \$36,502.26

C. AMOUNT OF ESCROW (TAXES AND INSURANCE): \$13,761.80

D. AMOUNT OF FORCED PLACED INSURANCE EXPENDED BY MOVANT: \$0.00

E. AMOUNT OF ATTORNEY'S FEES BILLED TO DEBTOR PRE-PETITION: \$0.00

F. AMOUNT OF PRE-PETITION LATE FEES, IF ANY, BILLED TO DEBTOR: \$94.32

9. CONTRACTUAL INTEREST RATE: 5.000 %

10. PLEASE EXPLAIN ANY ADDITIONAL PRE-PETITION FEES, CHARGES OR AMOUNTS CHARGED TO DEBTOR'S/DEBTOR'S ACCOUNT AND NOT LISTED ABOVE.

Foreclosure Attorney Fees -	\$2,600.00
Property Preservation Fees -	\$780.04
Title Costs -	\$350.00
Recording Fee -	\$35.00
Skip Trace Fee -	\$50.00
Filing Fees -	\$400.00
Litigation Attorney Fees -	\$175.00
Service Costs -	\$990.00
Deferred Amount -	\$43,522.79

**AMOUNT OF ALLEGED POST-PETITION DEFAULT
(AS OF 11/17/2017)**

11. DATE LAST PAYMENT WAS RECEIVED: April 23, 2013

12. TOTAL NUMBER OF PAYMENTS DUE POST-PETITION: 19

13. PLEASE LIST ALL POST-PETITION PAYMENTS ALLEGED TO BE IN DEFAULT:

PAYMENT DUE DATE	AMOUNT DUE	AMOUNT RECEIVED	AMOUNT APPLIED TO PRINCIPAL	AMOUNT APPLIED TO INTEREST	AMOUNT APPLIED TO ESCROW
5/1/2016	\$1,573.81				
6/1/2016	\$1,573.81				
7/1/2016	\$1,573.81				
8/1/2016	\$1,573.81				
9/1/2016	\$1,573.81				
10/1/2016	\$1,573.81				

11/1/2016	\$1,573.81
12/1/2016	\$1,573.81
1/1/2017	\$1,573.81
2/1/2017	\$1,573.81
3/1/2017	\$1,573.81
4/1/2017	\$1,573.81
5/1/2017	\$1,573.81
6/1/2017	\$1,573.81
7/1/2017	\$1,548.41
8/1/2017	\$1,548.41
9/1/2017	\$1,548.41
10/1/2017	\$1,548.41
11/1/2017	\$1,548.41
TOTALS:	\$29,775.39

14. AMOUNT OF MOVANT'S ATTORNEY'S FEES BILLED TO DEBTOR FOR THE PREPARATION, FILING AND PROSECUTION OF THIS MOTION : \$0.00

15. AMOUNT OF MOVANT'S FILING FEE FOR THIS MOTION: \$0.00

16. OTHER ATTORNEY'S FEES BILLED TO DEBTOR POST-PETITION: \$ 0.00

17. AMOUNT OF MOVANT'S POST- PETITION INSPECTION FEES: \$0.00.00

18. AMOUNT OF MOVANT'S POST-PETITION APPRAISAL/BROKER'S PRICE OPINION: \$0.00

19. AMOUNT OF FORCED PLACED INSURANCE OR INSURANCE PROVIDED BY THE MOVANT POST-PETITION: \$0.00

20. SUM HELD IN SUSPENSE BY MOVANT IN CONNECTION WITH THIS CONTRACT, IF APPLICABLE: \$0.00

21. AMOUNT OF OTHER POST-PETITION ADVANCES OR CHARGES, FOR EXAMPLE TAXES, INSURANCE INCURRED BY DEBTOR ETC.: \$0.00

REQUIRED ATTACHMENTS TO MOTION

Please attach the following documents to this motion and indicate the exhibit number associated with the documents.

(1) Copies of documents that indicate Movant's interest in this subject property. For purpose of

example only, a complete and legible copy of the promissory note or other debt instrument together with a complete and legible copy of the mortgage and any assignments in the chain from the original mortgagee to the current moving party. (Exhibit B)

(2) Copies of documents establishing proof of standing to bring this Motion. (Exhibit B)

(3) Copies of documents establishing that Movant's interest in the real property or cooperative apartment was perfected. For the purposes of example only, a complete and legible copy of the Financing Statement (UCC-1) files with either the Clerk's Office or the Register of the county the property or cooperative apartment is located in. (Exhibit B)

CERTIFICATION FOR BUSINESS RECORDS

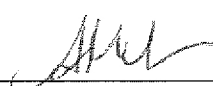
I CERTIFY THAT THE INFORMATION PROVIDED IN THIS FORM AND/OR ANY EXHIBITS ATTACHED TO THIS FORM (OTHER THAN THE TRANSACTIONAL DOCUMENTS ATTACHED AS REQUIRED BY PARAGRAPHS 1,2 AND 3, IMMEDIATELY ABOVE) IS DERIVED FROM RECORDS THAT WERE MADE AT OR NEAR THE TIME OF THE OCCURRENCE OF THE MATTERS SET FORTH BY, OR FROM INFORMATION TRANSMITTED BY, A PERSON WITH KNOWLEDGE OF THOSE MATTERS, WERE KEPT IN THE COURSE OF THE REGULARLY CONDUCTED ACTIVITY, AND WERE MADE BY THE REGULARLY CONDUCTED ACTIVITY AS A REGULAR PRACTICE.

I FURTHER CERTIFY THAT COPIES OF ANY TRANSACTIONAL DOCUMENTS ATTACHED TO THIS FORM AS REQUIRED BY PARAGRAPH 1,2 AND 3, IMMEDIATELY ABOVE, ARE TRUE AND ACCURATE COPIES OF THE ORIGINAL DOCUMENTS. I FURTHER CERTIFY THAT THE ORIGINAL DOCUMENTS ARE IN MOVANT'S POSSESSION, EXCEPT AS FOLLOWS:

DECLARATION

I, Ami McKernan Second Assistant Vice President
<NAME AND TITLE> OF Specialized Loan Servicing LLC as servicer for Deutsche Bank National Trust Company, as Indenture Trustee, on behalf of the holders of the Terwin Mortgage Trust 2007-4HE Asset-Backed Securities, Series 2007-4HE, HEREBY DECLARE (OR CERTIFY, VERIFY, OR STATE) PURSUANT TO 28 U.S.C SECTION 1747 UNDER PENALTY OR PERJURY THAT THE FOREGOING IS TRUE AND CORRECT BASED ON PERSONAL KNOWLEDGE OF THE MOVANT'S BOOKS AND BUSINESS RECORDS.

EXECUTED AT Highlands Ranch <CITY/TOWN>, Colorado <STATE> ON THIS 8th
DAY OF December <MONTH>, 2013.2017


<PRINT NAME>

DEC 08 2017
Ami McKernan

<TITLE>

Second Assistant Vice President
Specialized Loan Servicing LLC as servicer for
Deutsche Bank National Trust Company, as
Indenture Trustee, on behalf of the holders of the
Terwin Mortgage Trust 2007-4HE Asset-Backed
Securities, Series 2007-4HE
PO Box 636007
Littleton, CO 80163

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In Re:

Justo Reyes,

Debtor.
-----X

Case No. 16-22556-rdd

Chapter 13

AFFIRMATION

Sabita Hajaree Ramsaran, Esq., under the penalty of perjury, deposes and says:

I am the attorney for Specialized Loan Servicing LLC as servicer for Deutsche Bank National Trust Company, as Indenture Trustee, on behalf of the holders of the Terwin Mortgage Trust 2007-4HE Asset-Backed Securities, Series 2007-4HE, and am fully familiar with the facts and circumstances hereinafter set forth. Said information and belief being as a result solely of documentation provided to me by Specialized Loan Servicing LLC. Any and all representations made by your affiant are based entirely upon said information. I submit this affirmation in support of Specialized Loan Servicing LLC as servicer for Deutsche Bank National Trust Company, as Indenture Trustee, on behalf of the holders of the Terwin Mortgage Trust 2007-4HE Asset-Backed Securities, Series 2007-4HE's notice of motion for an order pursuant to 362(d)(1) & (2) of the Bankruptcy Code modifying the automatic stay so that Specialized Loan Servicing LLC as servicer for Deutsche Bank National Trust Company, as Indenture Trustee, on behalf of the holders of the Terwin Mortgage Trust 2007-4HE Asset-Backed Securities, Series 2007-4HE, as secured creditor, can recover possession of the premises known as 1521 Bryant Avenue, Bronx, NY 10460, ("the Property"), for cause; and for such other and further relief as this Court deems just and proper. A copy of the proposed order is annexed hereto as Exhibit (A).

1. On January 5, 2007, for valuable consideration, and for the purpose of securing payment to Lancaster Mortgage Bankers of the sum of \$262,500.00, with interest thereon, Debtor duly executed, acknowledged and delivered to Lancaster Mortgage Bankers his mortgage note dated that date, whereby Debtor bound himself to Lancaster Mortgage Bankers in the amount of \$262,500.00 with interest thereon (the "Note"). As collateral security for the payment of the

aforesaid indebtedness, Debtor, on the same day, duly executed, acknowledged and delivered to Mortgage Electronic Registration Systems, Inc as nominee for Lancaster Mortgage Bankers his/her mortgage in the sum of \$262,500.00. The mortgage was duly recorded in the Office of the Clerk of the County of Bronx on February 26, 2007 as City Register File No. (CRFN) 2007000105599 (the "Mortgage"), whereby Debtor mortgaged to Mortgage Electronic Registration Systems, Inc as nominee for Lancaster Mortgage Bankers, its successors and assigns forever, the Property. Mortgage Electronic Registration Systems, Inc as nominee for Lancaster Mortgage Bankers assigned all of its rights and interest in said mortgage to Deutsche Bank National Trust Company, as Indenture Trustee, on behalf of the holders of the Terwin Mortgage Trust 2007-4HE Asset-Backed Securities, Series 2007-4HE, by way of an assignment dated August 5, 2013, which has been recorded by the county clerk of Bronx on September 17, 2013 City Register File No. (CRFN) 2013000380549. Any applicable mortgage tax was duly paid simultaneously with said recordation. Said Mortgage was modified by loan modification executed August 25, 2009. A copy of the Note and Mortgage and Assignment and Loan Modification are collectively annexed hereto as Exhibit (B).

2. Specialized Loan Servicing LLC services the loan on the Property referenced in this Motion. In the event the automatic stay in this case is modified, this case dismisses, and/or the Debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of Movant or Movant's successor or assignee. Movant, directly or through an agent, has possession of the Note. The Note is either made payable to Movant or has been duly endorsed. Movant is the original mortgagee or beneficiary or the assignee of the Mortgage/Deed of Trust.
3. Debtor has failed, neglected and refused to comply with the provisions of the Note and Mortgage by failing to make and pay the installment of principal and interest despite due demand therefor. Said default has continued for more than fifteen (15) days after the due date

thereof.

4. By reason of the aforesaid, Specialized Loan Servicing LLC as servicer for Deutsche Bank National Trust Company, as Indenture Trustee, on behalf of the holders of the Terwin Mortgage Trust 2007-4HE Asset-Backed Securities, Series 2007-4HE has elected to declare the unpaid principal sum of the Note and Mortgage in the sum of \$230,877.65 with interest thereon at 5.000%, to be immediately due and payable.
5. On April 21, 2016, a voluntary petition under Chapter 13 of the United States Bankruptcy Code was entered and filed by the Debtor. After crediting the Debtor for all post petition payments received, the Debtor are due for their May 2016 Through October 2017 payments and also at the date of this motion November 2017 will be due as well.

WHEREFORE, Specialized Loan Servicing LLC as servicer for Deutsche Bank National Trust Company, as Indenture Trustee, on behalf of the holders of the Terwin Mortgage Trust 2007-4HE Asset-Backed Securities, Series 2007-4HE respectfully requests that the relief herein requested be granted in all respects.

Dated: December 13, 2017
Bay Shore, New York

/s/ Sabita Hajaree Ramsaran
Sabita Hajaree Ramsaran, Esq.

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

In Re:

Justo Reyes

Debtor.

-----X

Case No. 16-22556-rdd

Chapter 13

**ORDER LIFTING THE
AUTOMATIC STAY**

Upon reading and filing the Notice of Motion dated December 13, 2017, the Affirmation of Sabita Hajaree Ramsaran, Esq., dated December 13, 2017 and the exhibits annexed thereto on behalf of Specialized Loan Servicing LLC as servicer for Deutsche Bank National Trust Company, as Indenture Trustee, on behalf of the holders of the Terwin Mortgage Trust 2007-4HE Asset-Backed Securities, Series 2007-4HE, its servicing agent, by its attorneys Sabita Hajaree Ramsaran, Esq., for an Order pursuant of 11 U.S.C. '362(d) (1) & (2) granting relief from the automatic stay to foreclose the mortgage it holds on the property owned by the Debtor and located at 1521 Bryant Avenue, Bronx, NY 10460, (the "Property"); and there being no opposition thereto by the United States Trustee or Jeffrey L. Sapir, Trustee, and there being no appearance by the Debtor, or their attorneys, and sufficient cause appearing therefore; it is

ORDERED, that automatic stay is hereby modified pursuant to 11 U.S.C. '362 (d) (1) & (2) to allow Specialized Loan Servicing LLC as servicer for Deutsche Bank National Trust Company, as Indenture Trustee, on behalf of the holders of the Terwin Mortgage Trust 2007-4HE Asset-Backed Securities, Series 2007-4HE to foreclose the mortgage it holds on the Property, and it is further,

ORDERED, that the 14 day stay imposed by FRBP 4001(a)(3) is hereby waived, and it is further

ORDERED, that the movant shall immediately provide an accounting to the trustee of any surplus monies realized.

Dated:

_____, New York

Hon. Robert D. Drain,

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X Case No. 16-22556-rdd
In Re:

JUSTO REYES

Chapter 13

CERTIFICATE OF SERVICE

Debtor.

-----X

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Notice of Motion, Affirmation, FRCP 55 Affidavit, Memorandum of Law and a copy of these pleadings were mailed by U.S. First Class Mail the December 13, 2017 to the parties listed below:

Linda M Tirelli, Esq.
Attorney for Debtor
50 Main Street, Suite 405
White Plains, NY 10606

Todd S. Cushner, *Esq.*
Attorney for Debtor
50 Main Street, Suite 390
White Plains, NY 10606

Justo Reyes
Debtor
90 Lakeview Ave
Hartsdale, NY 10530

Jeffrey L. Sapir, Trustee
399 Knollwood Road, Suite 102
White Plains, NY 10603

U.S. Trustee
United States Trustee, Trustee
U.S. Federal Office Building
201 Varick Street, Room 1006
New York, NY 10014

Respectfully submitted,

/s/ Sabita Hajaree Ramsaran

By: Sabita Hajaree Ramsaran, Esq.

Kozeny & McCubbin, LC LLC

Attorney for Movant

12400 Olive Blvd, Ste 555

St. Louis, MO 63141

Phone: (314) 991-0255

Fax: (314) 567-8019

nybk@km-law.com

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FRCP 55 AFFIDAVIT

As attorney for movant admitted to practice before this Court, I represent that upon information and belief, the debtor is not an infant, incompetent, or in the military.

Dated: December 13, 2017
St. Louis, Missouri

/s/ Sabita Hajaree Ramsaran
Sabita Hajaree Ramsaran, Esq.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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MEMORANDUM OF LAW

Point 1

The Movant is entitled to relief from the automatic stay as requested in the within motion.

The Movant has filed a motion for relief from the automatic stay as it concerns the mortgage it holds on the real property owned by the Debtor.

Section 362 (d)(1) and (2) provide as follows:

(d) On request of a party in interest and after notice and a hearing, the Court shall grant relief from the stay provided under subsection (a) of this section, such as by terminating, annulling, modifying, or conditioning such stay:

(1) for cause, including the lack of adequate protection of an interest in property of such party in interest;

(2) with respect to a stay of an act against property under subsection (a) of this section, if:

(A) the Debtor does not have any equity in such property;

(B) such property is not necessary to an effective reorganization; or

(3) Section 362 (d) is mandatory, not permissive. The Court shall grant relief from the stay for any of the reasons stated in the three subsections. **In re Elmira Litho, Inc.**, 174 Bankr. 892, 900 (Bankr. S.D.N.Y. 1994); **In re Touloumis**, 170 Bankr. 825, 827 (Bankr. S.D.N.Y. 1994); **In re Kleinman**, 156 Bankr. 131, 136 (Bankr. S.D.N.Y. 1993). Further, if any of the grounds for relief from stay apply, the Court must grant the relief from the stay.

In the case at bar, the automatic stay may be granted under Section 362 (d)(1) for cause. The

Debtor has failed to make post-petition payments under the subject Note and Mortgage. As a result, the Movant lacks adequate protection in the subject property. See, **In re Kornhauser**, 184 Bankr. 425, 428 (Bankr. S.D.N.Y. 1995); **In re Kennedy**, 79 Bankr. 950, 952 (Bankr. M.D.Ga. 1987).

In conclusion, the Movant requests that its motion for relief from the bankruptcy stay as concerns the subject property described in the motion to the Court be granted in all respects.

/s/ Sabita Hajaree Ramsaran
Sabita Hajaree Ramsaran, Esq.
Kozeny & McCubbin, LC LLC
Attorney for Movant
12400 Olive Blvd, Ste 555
St. Louis, MO 63141
Phone: (314) 991-0255
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nybk@km-law.com